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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/066,303

Applicant(s)

YAMAMOTO ET AL.

Examiner

Dan Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2002 and 19 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-161 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 56-58, 78-86 and 88-161 is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-25, 27-29, 32, 36-55 and 59-77 is/are rejected.
- 7) ☒ Claim(s) 15, 26, 30, 31, 33-35 and 87 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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*At the request of Mr. Larson, this Office action is being remailed to Mr. Larson's new address because it appears that the Office action and Change of Address sent by Mr. Larson had crossed in the mail. The shortened statutory period has been reset according to the mailing of this letter.*

## DETAILED ACTION

### *Claim Objections*

1. Claim 7, 8, 9, 10, 12, 13, 24, 40, 41, 48, 54, 60, 63, and 70 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 7, 8, 9, 10, 12, 13, 24, 40, 41, 48, 54, 60, 63, and 70 are objected to because they are drawn towards an apparatus, but no structure has been recited in these claims to further limit the structure of the claimed apparatus. Instead applicant has recited limitations of structure that is used *with* the claimed apparatus or has functionally recited how the claimed apparatus is to be used. Since this is an apparatus claim functional language is not considered when determining the allowability of a claim. See MPEP § 2114.

With respect to claim 121, applicant has neither recited any structure or steps to further limit the parent claim. Instead, applicant has recited language indicating that dividers have the *capability* of passing through a printer. This is not a positive recitation of structure or a method.

2. Claims 37 and 87 are objected to because of the following informalities:

In claim 37, line 2, it appears that --material-- should appear after, "indexing."

In claim 87, line 1 applicant recites "an alignment tool." It is not clear if applicant is intending to mean an additional alignment tool, or the at least one alignment tool recited in parent claim 78.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 21, 22, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by Glowiak.

With respect to claim 1, Glowiak discloses an assembly 10 which includes a releasably attachable alignment tool 12 and indicia 23 on the tool for indicating tab positions as shown in Figures 1-2 of Glowiak.

With respect to claim 2, Glowiak discloses indicia 23 that includes a numbering system as shown in Figure 1 and mentioned in col. 4, lines 4-14 of Glowiak.

With respect to claim 3, as shown in Figure 1, Glowiak discloses a plurality of vertical lines and a plurality of horizontal lines in the indicia.

With respect to claim 5, Glowiak discloses a backing material 11 removably attached to the back side of tool 12 as shown in Figure 2 of Glowiak. As disclosed in col. 3, lines 1-5, Glowiak discloses that the adhesive 13 can be on the tool 12.

With respect to claim 7, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 1.

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With respect to claim 8, applicant has not recited any further structure of the claimed assembly, therefore it is rejected along with its parent claim 7. *Note, the document is not recited as part of the claimed assembly.*

With respect to claim 9, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 8.

With respect to claim 10, applicant has not recited any further structure regarding the claimed assembly, therefore it is rejected along with its parent claim 7. *Note, the document is not recited as part of the claimed assembly.*

With respect to claim 11 Glowiak discloses in col. 3, lines 1-5, that adhesive 13 can be on the back of tool 12.

With respect to claim 12, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 7.

With respect to claim 13, applicant has not recited any further structure regarding the claimed assembly, therefore it is rejected along with its parent claim 12. *Note, index tabs have not been recited as part of the claimed assembly.*

With respect to claim 14, Glowiak discloses a plurality of index tabs 14 and a plurality of releasably attachable alignment tools 23 and 24 as shown in Figure 1 of Glowiak.

With respect to claim 16, Glowiak discloses a package 50 to hold the plurality of tabs as shown in Figure 5 of Glowiak.

With respect to claim 17, discloses a plurality of alignment tools 12 held in a stacked manner in holder 50 as shown in Figure 6 of Glowiak.

With respect to claim 18, the tool 12 disclosed by Glowiak is color coded as mentioned in col. 7, lines 16-22.

With respect to claim 21, Glowiak discloses that the tool may be composed of transparent material (Glowiak, col. 2, lines 58-62).

With respect to claim 22, the tool 12 disclosed by Glowiak is color coded for indicating placement of tabs as mentioned in col. 7, lines 16-22.

With respect to claim 24, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 1.

With respect to claim 25, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 1.

With respect to claim 36, Glowiak discloses a customizable indexing system including at least one releasably (Glowiak, col. 3, lines 1-16) attachable alignment tool 23, a plurality of indicia on the alignment tool 23 as shown in Figure 1 of Glowiak, and an indexing material 40 as shown in Figure 3 of Glowiak.

With respect to claim 38, Glowiak discloses a plurality of index tabs 14 as shown in Figure 1 of Glowiak. As mentioned above, the tool is capable or releasably attaching to a material.

With respect to claim 39, Glowiak discloses a packaging assembly 10 to hold the tabs 14 as shown in Figure 1 of Glowiak.

With respect to claim 40, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 38.

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With respect to claim 41, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 38.

With respect to claim 42, Glowiak discloses an adhesive on a side of the tabs 14 (col. 3, lines 1-5).

With respect to claim 43, Glowiak discloses a plurality of alignment tools 23 and 24.

With respect to claim 46, Glowiak discloses cards 40 which are dividers as shown in Figure 4 of Glowiak.

With respect to claim 49, Glowiak discloses cards 40 which are index cards as shown in Figure 4 of Glowiak.

With respect to claim 50, the plurality of indicia 23 disclosed by Glowiak is dimensioned to identify multiple alignment positions or index tabs as shown in Figure 3 of Glowiak.

With respect to claim 51, Glowiak discloses a number system from 1 to 9 as shown near the top of the assembly shown in Figure 1.

With respect to claim 52, Glowiak discloses an adhesive on a back side of the tool 12 (col. 2, lines 71-72 and col. 3, lines 1-5).

With respect to claim 53, Glowiak discloses a color coding system for the tabs in col. 5, lines 10-29.

With respect to claim 54, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 36.



With respect to claim 55, a plurality of alignment tools 23 and 24 are positioned on a sheet 13 as shown in Figure 2 of Glowiak. *The method of how the tools are manufactured is not considered when determining the patentability of a apparatus claim.*

With respect to claim 71, Glowiak discloses a packaging assembly including a releasably attachable alignment tool 12, indicia 23 on the tool identifying tab positions, an a package 50 holding the tool 12 as shown in Figure 5 of Glowiak.

With respect to claim 73, Glowiak discloses a plurality of tabs 14 which are with the tool 12 which is held in the package 50.

With respect to claim 74, Glowiak discloses that the package 50 holds a plurality of tools which are in a stacked orientation when the package 50 is folded as shown in Figure 6 of Glowiak (col. 4, lines 46-64).

5. Claims 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Ondiviela.

With respect to claim 62, Ondiviela discloses an assembly with an alignment tool having indicia as shown in Figures 4a-4b of Ondiviela. The tool has a device having an opening as shown at the bottom of the Figures 4a-4b.

With respect to claim 63, the tool and indicia are printed on the device.

With respect to claim 64, the tool is fixedly attached to the device through printing.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak.

Glowiak discloses the claimed assembly except for the exact dimensions of the assembly. However, the particular size of the assembly is simply an obvious variation that one of ordinary skill in the art could have readily determined as the optimal dimensions through routine experimentation.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Cook.

Glowiak discloses the claimed assembly except for the numerals positioned in a staggered manner. However, Cook teaches a measure that includes a plurality of numbers positioned at the end of horizontal staggered lines as shown in Figure 5 of Cook. It would have been obvious to combine the teaching of Cook with the assembly disclosed by Glowiak for the advantage of easier viewing of the increments of measurement on the tool.

9. Claims 6, 27, 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Ondiviela.

With respect to claims 6 and 37, Glowiak discloses the claimed assembly except for the folded top portion. However, Ondiviela teaches an assembly for aligning tabs including a guide in which a top portion is folded over to align tabs as shown in Figures 3a,3b and 4a of Ondiviela. It would have been obvious to combine the teaching of Ondiviela with the assembly disclosed by Glowiak for the advantage of aligning the tabs so that they are square with the top edge of the sheet that the tab is being applied to.

With respect to claims 27 and 28, Glowiak discloses the claimed assembly except for the device having an opening on at least one side. However, Ondiviela discloses an alignment tool with an opening on one side as shown in Figure 4a of Ondiviela. It would have been obvious to combine the teaching of Ondiviela with the assembly disclosed by Glowiak for the advantage of aligning the tabs so that they are square with the top edge of the sheet that the tab is being applied to. *Note, the method of how the alignment tool and device are constructed is not given any patentable weight in an apparatus claim.*

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Rank.

Glowiak discloses the claimed assembly except it is not known to the examiner if the alignment tool 12 is opaque or translucent. However, Rank teaches an alignment tool 10 that can be translucent (Rank, col. 5, lines 4-9).

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11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Kostiner.

Glowiak discloses the claimed assembly except for the opacity of the tool. However, Kostiner teaches an alignment tool that is made of opaque plastic (Kostiner, col. 3, lines 55-58). It would have been obvious to combine the teaching of Kostiner with the assembly disclosed by Glowiak for the advantage of the sturdiness supplied by plastic. Additionally, the opacity would provide easier viewing of the guide marks.

12. Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Aaldenberg et al.

With respect to claim 29, Glowiak discloses the claimed assembly including a plurality of tabs but does not disclose the details of the tab as recited in claim 29. However, Aaldenberg et al. teaches a tab with a tab portion 16, a pocket 30 such that the pocket has a top edge, a hinge portion 24 and a pocket extension portion 20 as shown in Figure 2 of Aaldenberg et al. It would have been obvious to combine the teaching of Aaldenberg et al. with the assembly disclosed by Glowiak for the advantage of the reusability of the tab since it uses mechanical means to attach to a sheet.

With respect to claim 32, Glowiak discloses the claimed assembly including a plurality of tabs but does not disclose the details of the tab as recited in claim 32. However, Aaldenberg et al. teaches a tab with a tab portion 16 with two sides, a hinge portion 24, in which the bottom

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surface acts as a stopper, and a tab extension portion 20 as shown in Figure 2 of Aaldenberg et al. It would have been obvious to combine the teaching of Aaldenberg et al. with the assembly disclosed by Glowiak for the advantage of the reusability of the tab since it uses mechanical means to attach to a sheet.

13. Claims 44 and 71-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Ericson.

With respect to claims 44 and 71, Glowiak discloses the claimed assembly except for the packaging assembly. However, Ericson teaches a packaging assembly 101 for holding an alignment tool 14, tabs 47 and indexing material 11 and 12 as shown in Figures 8-10 of Ericson. It would have been obvious to combine the teaching of Ericson with the assembly disclosed by Glowiak for the advantage of holding all the parts of a kit together.

With respect to claim 72, the package 101 taught by Ericson holds indexing material 11 and 12.

With respect to claim 73, the package 101 taught by Ericson holds tabs 47.

With respect to claim 74, Glowiak discloses a plurality of alignment tools stacked together as shown in Figure 6 of Glowiak. Ericson teaches holding an alignment tool 14 in a package 101.

With respect to claim 75-77, the provision of additional known structure for providing the same known function would have been obvious to one of ordinary skill in the art.

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14. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24, 25, 36, 38, 39, 40, 41, 42, 43, 46, 49, 50, 51, 52, 54, 55, 71, 73 and 74 above, and further in view of Owen et al.

With respect to claim 47, Glowiak discloses the claimed assembly except for the holes in the divider. However, Owen et al. teaches a divider 100 which has holes 276 as shown in Figure 1 of Owen et al. It would have been obvious to combine the teaching of Owen et al. with the assembly disclosed by Glowiak for the advantage of securely holding the divider in a three ring binder.

With respect to claim 48, Figure 3 of Owen et al. shows that the divider 100 can pass through a printer.

15. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham 3,805,426.

With respect to claim 59, Cunningham discloses the claimed index tab alignment system except for the indicia being printed on the back side of an indexing material. Cunningham discloses a indexing material 16 and a plurality of indicia 29 and 30. It appears that the indicia disclosed by Cunningham is on the front side of an indexing material. However, the particular side of placement that the indicia is located on does not affect the functionality of the indicia system and would have been obvious on either side.

With respect to claim 60, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim 59.

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16. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham 3,805,426, as applied to claims 59 and 60 above and further in view of Owen et al.

Cunningham discloses the claimed system as mentioned above except for the printer. However, Owen et al. teaches printing an indexing material 100 with a printer 234 as shown in Figure 3 of Owen et al. It would have been obvious to combine the teaching of Owen et al. with the system disclosed by Cunningham for the advantage of allowing the user to print notes on the indexing sheet.

17. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak in view of Pederson.

Glowiak discloses the claimed assembly except for the computer program. However, Pederson teaches that it is known to print measurement scales using software and a printer as mentioned on page 3, paragraph 54 of Pederson. It would have been obvious to combine the teaching of Pederson with the assembly disclosed by Glowiak for the advantage of printing automation provided by a printer.

18. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak in view of Pederson, as applied to claim 65 above, and further in view of Ericson.

Glowiak in view of Pederson discloses the claimed assembly except for the package. However, Ericson teaches a packaging assembly 101 for holding an alignment tool 14, tabs 47 and indexing material 11 and 12 as shown in Figures 8-10 of Ericson. It would have been

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obvious to combine the teaching of Ericson with the assembly disclosed by Glowiak in view of Pederson for the advantage of holding all the parts of a kit together.

19. Claims 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glowiak in view of Drzewiecki.

With respect to claim 67, Glowiak discloses the claimed assembly except for the printer. Glowiak discloses an assembly including an indexing material 40 and Drzewiecki teaches a printer for printing on an indexing material 12 as shown in Figure 5 of Drzewiecki. It would have been obvious to combine the teaching of Thomas-Cote with the assembly disclosed by Glowiak for the advantage of automated printing of the markings on sheet 10.

With respect to claim 68, Drzewiecki discloses that the indexing material 12 is a sheet of paper (Drzewiecki, col. 3, lines 34-35).

With respect to claim 69, Drzewiecki discloses that the indexing material 12 is a divider (Drzewiecki, col. 3, lines 43-54).

With respect to claim 70, printers are well-known in the art for printing any indicia desired by the user.

***Allowable Subject Matter***

20. Claims 57-58, 78-86 and 88-161 allowed.

21. Claims 15, 26, 30, 31, 34, 35, are 56 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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22. Claim 87 is objected to for containing the above mentioned informalities, but would be allowable if rewritten to overcome the above mentioned informalities.

23. The following is a statement of reasons for the indication of allowable subject matter:

Claim 15 has been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an assembly including a plurality of releasably attachable alignment tools and a plurality of dividers such that each divider having alignment tool attached thereto.

Claim 26 has been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an assembly including a plurality of alignment tools positioned on a sheet such that a plurality of weakened lines surround the alignment tools.

Claims 30-31 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an assembly including an alignment tool and a plurality of index tabs, the index tabs each including a pocket in which the pocket has a first layer of adhesive on an inner surface of an extensions portion and a second layer of adhesive on an inner surface of a hinge portion.

Claims 33-34 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an assembly including an alignment tool and a plurality of index tabs each tab having a tab extension, a hinge and a stopper, the stopper having a heat fuse connecting inner surfaces of a first side and a second side of a tab portion.

Claims 30-31 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an assembly including an alignment tool and a plurality of index tabs on an index tab-bearing sheet having tab areas which include a first layer of tab material, a second layer of adhesive, a third layer of pocket material, a fourth layer of adhesive and a releasable backing sheet applied to the fourth layer of adhesive.

Claim 56 has been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an indexing system including a plurality of releasably attachable alignment tools positioned on a sheet such that a plurality of weakened lines surround the alignment tools.

Claims 57-58 have been allowed because the prior art of record does not disclose or teach in combination the entire combination of an index tab alignment system including a set of releasably attachable index tab alignment tools, a set of indexing documents, each document having an alignment tool releasably attached thereto at a distance from an edge of each document and a set of index tabs.

24. Claims 78-92 have been allowed because the prior art of record does not disclose or teach in combination the entire combination of an assembly including an alignment tool formed on a sheet, the tool being removable from the sheet along separation indicators.

25. Claims 93-111 have been allowed because the prior art of record does not disclose or teach in combination the entire combination of a packaging assembly including a set of indexing

documents, an alignment tool positioned on a sheet such that the alignment tool is removable from the sheet along separation lines and releasably positionable on the set of indexing documents.

26. Claims 112-123 have been allowed because the prior art of record does not disclose or teach in combination the entire method of applying index tabs to documents including the steps of providing a plurality of alignment tools on a sheet, separating at least one of the plurality of alignment tools from the sheet, positioning the tool on a document in the set of indexing documents and removing the tool from the document.

27. Claims 124-139 have been allowed because the prior art of record does not disclose or teach in combination the entire method of applying index tabs to indexing material including the steps of providing an indexing document and a releasably attachable alignment tool attached to the document and removing the releasably attachable tool from the document.

28. Claims 140-161 have been allowed because the prior art of record does not disclose or teach in combination the entire method of affixation of index tabs to documents including the steps of providing a releasably attachable alignment tool which is releasably attachable to a first indexing document, applying a first index tab to the indexing document using the alignment tool and removing the tool from the document.

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29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

October 27, 2003



Dan Colilla  
Primary Examiner  
Art Unit 2854